



AC-R1 - HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR STUDENTS

The District must take appropriate action to promptly and impartially investigate allegations of harassment or discrimination; promptly take effective action to stop harassment or discrimination when it is discovered and take steps to prevent a reoccurrence; remedy the effects of harassment or discrimination; impose appropriate disciplinary action or other consequences on offenders in a case-by-case manner; take steps to protect anyone participating in good faith in a harassment or discrimination report, complaint or investigation from retaliation; and protect the privacy of all those involved in harassment or discrimination reports and complaints as required by law. Reports and complaints that appear to involve criminal law violations will also be referred to law enforcement authorities. This policy is separate from and in addition to the procedures for Title IX investigations incorporated into District Regulation AC-R3 – Sex-based Harassment Investigation Procedures.

Reporting Discrimination and Harassment

Any individual who experiences or witnesses acts of harassment or discrimination in the District's program or activities is encouraged to promptly report the incident to an administrator, compliance officer, and/or by completing the District's online reporting form. Reports of harassment or discrimination may be made in writing, in person, by phone, by email, or through the online reporting form.

Any employee who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to their supervisor, the compliance officer, or through the District's online reporting form.

The District shall not use a student report of harassment or discrimination, whether verbal or in writing, or information revealed in any investigation or disciplinary proceedings of the report, as the basis for, or a consideration in, investigating or exacting any disciplinary response for a school violation by the reporting student or complainant related to the reported incident for any of the following:

- Engaging in reasonable self-defense against the respondent;
- Consensual sexual activity;
- Drug or alcohol use;
- Late arrival or truancy;

- Unauthorized access to facilities;
- Talking publicly about the alleged harassment or discrimination; or
- Expressing a trauma symptom.

However, nothing in this regulation prohibits a school or the District from disciplining a student who knowingly makes a false complaint of harassment or discrimination or disciplining a student when necessary to ensure the safety of any student or employee. A finding of no harassment or discrimination does not on its own constitute a false complaint.

Supportive Measures and Accommodations

The District must offer accommodations and supportive measures, as defined in District Policy AC – Nondiscrimination/Equal Opportunity that are designed to protect the safety of all students and that preserve and restore equal access to education for the student. Students may make a request for supportive measures to their administrator, compliance officer, or designee. A student is not required to file a formal report or wait for the investigation process to conclude before being provided supportive measures.

Additional accommodations are available for students with disabilities depending on their disability-related need for an accommodation or supportive measure in response to discrimination or harassment. Accommodations are determined on an individual basis.

General Procedure

Upon receiving an allegation that, if proven true, constitutes harassment or discrimination under this policy, the designated administrator will meet with the complainant as soon as is reasonably possible, typically within two (2) school days, following the District's receipt of the complaint in order to discuss supportive measures, obtain a clear understanding of the nature of the complaint, and to discuss what action the complainant may be seeking.

During this initial conference, the designated administrator will explain:

- The options for resolution, including informal and formal resolution procedures;
- The District's obligation to take steps to prevent recurrence of harassment or discrimination, and to remedy effects of harassment or discrimination;
- Available supportive measures and additional accommodations available for students with disabilities; and
- That any request for confidentiality will be honored so long as doing so does not preclude the District from responding effectively to prohibited conduct and

preventing future prohibited conduct.

The District will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination promptly and effectively.

Informal Resolution Procedure

If the complainant and respondent consent to informal action and the designated administrator believe that the matter is suitable for such resolution, the designated administrator may attempt to resolve the matter informally through mediation, counseling, restorative practices, or other non-disciplinary means. Informal resolution may only be used if all parties are students and provide consent, which must be documented in writing by the designated administrator. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be compelled to resolve a complaint of harassment or discrimination informally and either party may request an end to an informal process at any time.

If all parties feel a resolution has been achieved through informal resolution, no further compliance action must be taken. However, within five (5) school days, the designated administrator will prepare a written report for the parties detailing the agreement, including any steps the District will take to prevent future harassment or discrimination.

Formal Resolution Procedure

If informal resolution is inappropriate, unavailable, or unsuccessful, the designated administrator will engage in the formal resolution process. The designated administrator will promptly proceed with a fair, impartial and prompt investigation.

Upon institution of an investigation, the investigator must provide the parties with written notice of the complaint or report. The written notice must include a reference to the specific section of the policy allegedly violated, and the conduct constituting the alleged violation. All questions related to the investigation will be directed to the individual conducting the investigation.

Both parties have an equal opportunity to be heard and to provide evidence obtained through the course of the investigation. The investigator will interview the parties and any witnesses, review any available relevant evidence, and consider patterns of misconduct as relevant evidence. Both parties will have the same opportunity to have an advisor or other person present during any part of the investigative process. During interviews and meetings, the advisor may not speak for the party and must limit their role to consulting with and advising the party. The District will establish and maintain procedures regarding the extent to which an advisor may participate in the proceedings. Any restrictions on advisor(s) must apply equally to both parties.

During the course of the investigation, both parties will be provided with regular written

updates about the status of the investigation to both parties and their parents/guardians at each stage of the investigation, but at least every fifteen (15) workdays.

Upon concluding the investigation, the designated administrator must prepare a written report within sixty (60) calendar days after the report. The designated administrator will apply the preponderance of the evidence standard, which is a determination of whether it is more likely than not that the conduct occurred. The investigator shall provide concurrent notification to the parties of the outcome of the investigation and any findings. The decision must also include a written determination regarding responsibility, explain how and why the designated administrator reached the conclusions outlined in the report, detail any supportive measures or disciplinary actions already taken, and recommendations for future disciplinary measures.

This deadline may be extended for good cause and with prior written notice to the complainant and to the respondent of the delay and the reason for the delay or may extend the deadline at the request of a law enforcement agency.

Appeal

Should the complainant or respondent disagree with the findings, they may appeal the decision by submitting a written letter of appeal to the designated administrator within five (5) school days after receiving notification of the final outcome of the investigation. Grounds for appeal are limited to the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made, that could affect the outcome of the matter; or
- A conflict of interest or bias for or against the parties that affected the outcome of the matter.

The written appeal should include any additional evidence to be considered and state with specificity the disagreements with the decision. The compliance officer or designee shall review the evidence and will notify the parties in writing of a final decision within ten (10) school days after receiving the written appeal. The compliance officer's or designee's decision will be final.

Disciplinary Action or Other Consequences

If the designated administrator concludes that District policy has been violated, appropriate disciplinary action or other consequences will be imposed, which may include warning, exclusion, progressive discipline, suspension, expulsion, transfer, termination, remediation, education, or training. Consequences to third parties may include cancellation of a contract, total ban upon the individual's future presence on District property, or other appropriate measures.

Nothing in this regulation shall be construed to prohibit discipline of a student or staff member for conduct which, although it does not rise to the level of harassment or discrimination as defined in District Policy JBB – Harassment or Discrimination of Students, otherwise violates one or more of the District’s policies.

Resources

Throughout the investigation, or after the investigation concludes, the affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Colorado Crisis Services: 1-844-493-TALK (8255); or text “TALK” to 38255

Sexual Assault Victim Advocate Center Hotline: 970-472-4200

Behavioral Health Urgent Care and Crisis Stabilization Unit: 970-494-4200, ext. 4

Outside Agencies

In addition to or as an alternative to filing a complaint pursuant to this regulation, a person may file a discrimination complaint with outside agencies as identified and listed in District Policy AC – Nondiscrimination/Equal Opportunity.

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